

Sheriff Authorities

From: Marlin Degrand <marlin.degrand@gov.ab.ca>
To: Dennis Cooley <dennis.cooley@gov.ab.ca>
Cc: Farooq Sheikh <farooq.sheikh@gov.ab.ca>; Bob Andrews <bob.andrews@gov.ab.ca>; Dwayne Lakusta <dwayne.lakusta@gov.ab.ca>
Date: Tue, 08 Feb 2022 10:54:52 -0700

Good Morning Dennis,

Further to your inquiry, I have had the Sheriffs put together a listing of their enforcement authorities and options that could potentially be brought into play in relation to the on-going traffic disruptions near Coutts. Some are specific to the Commercial Vehicle Enforcement Services folks, others are broadly available to any Sheriff Highway Patrol officer. Some are also already being exercised by our Sheriffs in order to maintain the unfettered travel at Carway and Del Bonita crossings.

The Sheriffs have authority to enforce and lay charges under the following Acts:

Critical Infrastructure Defense Act - (Long form information and Appearance Notice
Traffic Safety Act - Ticketing
Traffic Safety Act – Commercial Vehicle Inspections
Traffic Safety Act – Vehicle Seizure
Traffic Safety Act / Use of Highway Rules of the Road Regulation – Ticketing and Arrest authority
Crown Property Regulations – At Leg Grounds, Charge, arrest authority
AB Drivers' Hours of Service Regulations – Ticketing
Federal Drivers' Hours of Service Regulations – Long form information and Appearance Notice
Criminal Code – Charge and Arrest Authorities

Full details are below.

Again, all recognize this is sensitive and an exploration of authorities only, not an indication of any planned operations, etc.

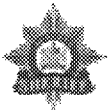
Marlin

From: Rob Sapinsky <Rob.Sapinsky@gov.ab.ca>
Sent: Tuesday, February 08, 2022 10:17 AM
To: Bob Andrews <Bob.Andrews@gov.ab.ca>
Subject: Lawful placement for Coutts situation / CV inspection info

Deputy Chief Andrews,

Please find below information for Assistant Deputy Minister Degrand. The items specific to commercial vehicles, I have highlighted in yellow.

Superintendent Rob Sapinsky
Sheriff Highway Patrol – North Region
#224 -- 4700 -- 44 Ave
Stony Plain, AB T7Z 1N4
780-968-4200



Alberta

Critical Infrastructure Defense Act – by way of appearance notice & long form information

Prohibitions – S.2

2(1) No person shall, without lawful right, justification or excuse, wilfully enter on any essential infrastructure.

(2) No person shall, without lawful right, justification or excuse, wilfully damage or destroy any essential infrastructure.

(3) No person shall, without lawful right, justification or excuse, wilfully obstruct, interrupt or interfere with the construction, maintenance, use or operation of any essential infrastructure in a manner that renders the essential infrastructure dangerous, useless, inoperative or ineffective.

(4) No person shall aid, counsel or direct another person to commit an offence under subsection (1), (2) or (3), whether or not the other person actually commits the offence.

Definitions – section 1

1(1)(a) In this Act, “essential infrastructure” means any of the following:

- (iii) a provincial highway, transportation facility, transportation system or urban rail transit system as defined in the Highways Development and

Specific Arrest authority

S.4 A peace officer may arrest, without warrant, any person the peace officer finds contravening section 2(1), (2) or (3).

Traffic Safety Act – by way of part 2 or part 3 violation ticket

Purposes of inspections

135 For the purposes of

- (a) administering motor transport regulatory legislation,
- (b) fostering compliance with motor transport regulatory legislation,
- (c) fostering the safe operation of commercial vehicles, and
- (d) preserving the physical condition of highways, a peace officer may carry out inspections under sections 136 and 139 and determine weight pursuant to Division 3.

Inspections of commercial vehicles

136 A peace officer may carry out an inspection of a commercial vehicle and in respect of that inspection with respect to matters that come under this Act may do one or more of the following:

- (a) require the driver of the vehicle to stop the vehicle for the purposes of inspecting the vehicle;
- (b) enter the vehicle;
- (c) inspect the vehicle;
- (d) inspect
 - (i) any goods being carried by the vehicle, and
 - (ii) any record relating to any goods being carried by the vehicle;
- (e) weigh the vehicle or any portion or part of a vehicle and any goods being carried by the vehicle or any portion or part of the vehicle;
- (f) inspect any record relating to, issued or required under transportation legislation as defined in section 132(1);
- (g) inspect any record, object or thing that relates to the vehicle, its operation or any goods being carried by the vehicle;
- (h) make inquiries of any person who operates the vehicle being inspected under this section;
- (i) perform or cause to be performed tests or examinations of or in respect of the vehicle or any goods being carried by the vehicle.

This section permits the Commercial Vehicle Safety Alliance Inspections and any Out of Service violation has effects on the carrier profile

AR317-2002 Drivers' Hours of Service Regulation (applicable to holder of Provincial Safety Fitness Certificate and registered for more than 11,794 KGS) – by way of part 2 or 3 violation ticket

(3) Every driver shall, on request by a peace officer, produce forthwith to the peace officer for inspection

- (a) the daily logs, and
- (b) the documents and receipts referred to in section 11, that the driver is required to have in the driver's possession in the vehicle.

SOR2005/313 – Federal Drivers Hours of Service Regulations – (Federal Safety Fitness Certificate and over 4500 kgs) -by way of appearance notice and long form information

98 (1) At the request of an inspector, a driver shall immediately produce for inspection daily logs, supporting documents and other relevant records for the current trip and the preceding 14 days as well as any permit the driver may be driving under.

Use of Highway Rules of the Road Regulation - S.58 - by way of part 2 or 3 violation ticket

A person driving a vehicle shall obey the directions given by any peace officer directing traffic.

General Arrest authority

CC S.495(1)(b), subject to 495(2)(c) – (Finds committing plus RICE Factor)

Traffic Safety Act – S.77

Peace officer cause removal of vehicle from highway. (Authority only, not a charging section; use 129(a) CC Obstruct Peace Officer if necessary)

Criminal Code – S.63 and 66 Unlawful assembly - Summary

More than 3 people together with a common purpose to conduct themselves in a manner that on reasonable grounds will cause fear that they will disturb the peace tumultuously or provoke other persons to disturb the peace tumultuously.

General Arrest Authority

CC S.494/495

Criminal Code – S.64 and 65 Riot - Hybrid

Unlawful assembly that has begun to disturb the peace tumultuously.

General Arrest Authority

CC S.494/495

Criminal Code – S.175 Cause Disturbance - Summary

175 (1) Every one who

- (a) **not being in a dwelling-house**, causes a disturbance in or near a public place,
 - (i) by fighting, **screaming, shouting, swearing, singing or using insulting or obscene language**,
 - (ii) by being drunk, or
 - (iii) by impeding or molesting other persons,

(b) openly exposes or exhibits an indecent exhibition in a public place,

(c) **loiters in a public place and in any way obstructs persons who are in that place, or**

(d) disturbs the peace and quiet of the occupants of a dwelling-house by discharging firearms or by other disorderly conduct in a public place or who, not being an occupant of a dwelling-house comprised in a particular building or structure, disturbs the peace and quiet of the occupants of a dwelling-house comprised in the building or structure by discharging firearms or by other disorderly conduct in any part of a building or structure to which, at the time of such conduct, the occupants of two or more dwelling-houses comprised in the building or structure have access as of right or by invitation, express or implied,

is guilty of an offence punishable on summary conviction.

General Arrest Authority

CC S.495(1)(b), subject to 495(2)(c) --- (Finds committing plus RICE Factor)

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Crown Property Regulation – S.4 Prohibited Acts (Summary)

(legislature grounds, not applicable to Coutts protest)

Prohibitions

4 No person on Crown property shall

(a) drive or place a vehicle on any area not used for vehicular traffic,

(b) prevent or impede entrance to or exit from any area,

(c) cause damage to any property,

(d) **congregate with other persons in a disorderly manner, or**

(e) interfere with, obstruct, harass or molest any person who is lawfully on Crown property.

General Arrest authority

CC S.495(1)(b), subject to 495(2)(c) --- (Finds committing plus RICE Factor)

Classification: Protected A